

Appl. No. 10/063,881
Amdt. dated June 08, 2005
Reply to Office action of April 20, 2005

REMARKS/ARGUMENTS

1. Rejection of claims 1-14 under 35 U.S.C. 103(a):

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makele et al. (US 6,501,967 hereinafter Makele) in view of Futamase et al. (US 2003/0224767

5 hereinafter Futamase) for reasons of record.

Response:

Claims 1 and 8 have been amended to overcome this rejection. Claims 1 and 8 each now recite that when the first ring tone data do not comply with the first format, the user 10 is informed that the first ring tone data are invalid. Claim 8 further specifies that the user is informed through a display module. These amendments are fully supported by the specification and by original claim 14 of this application.

On the other hand, Futamase only teaches a display for showing various pieces of 15 information to the user (paragraph [0069], lines 9-13). Although Futamase teaches that the display can show visual check information, Futamase does not teach or suggest having the display inform a user that the first ring tone data do not comply with the first format, as is recited in currently amended claims 1 and 8. Indeed, Futamase never mentions this situation 20 in which the data format is invalid. Since neither Makele nor Futamase teach this claimed limitation, claims 1 and 8 are patentably distinguished from the cited prior art. Claims 2-7 and 9-12 are dependent on claims 1 and 8, respectively, and should be allowed if claims 1 and 8 are allowed. Reconsideration of claims 1-12 is respectfully requested.

2. Introduction to new claim 15:

25 New claim 15 further limits claim 1 by specifying that the user is informed that the first ring tone data are invalid through a display module. This new claim is also fully supported in the specification and the original claim 14, and no new matter is added. Acceptance of new claim 15 is respectfully requested.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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